

Kesavan vs Ramankutty

Kesavan vs Ramankutty

SooperKanoon Citation : sooperkanoon.com/1349649

Court : Kerala

Decided On : Jun-30-2023

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : FAO/282/2012

Appellant : Kesavan

Respondent : Ramankutty

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945 AGAINST THE COMMON ORDER IN I.A.NO.1871/10 AND 1872/10 IN A.S.NO.52/02 BEFORE THE ADDITIONAL DISTRICT COURT,KOTTAYAM
APPELLANT/PETITIONER/APPELLANT: KESAVAN S/O.RAMAN, HINDU, AGED 61,CHENTHITTAKUNNEL HOUSE, KURUMULLOOR KARA, DO, P.O.,PINCODE - 686639, KANAKARI VILLAGE. BY ADVS. SRI.M.P.MADHAVANKUTTY SRI.GOKUL DAS V.V.H.
RESPONDENTS/CR.PETITIONERS/RESPONDENTS:

1 RAMANKUTTY S/O.KESAVAN, HINDU, AGED 61, MANNOOSSERIL HOUSE, KANJIRAPPALLY KARA, KANJIRAPALLY P.O, PIN CODE - 686512, KANJIRAPPALLY VILLAGE FROM MANNOOSSERIL HOUSE, PULIYANNOOR KARA, PULIYANNOOR VILLAGE 2 KARUNAN S/O.KESAVAN, HINDU, AGED 58, KANJIRAPALLY P.O, PIN CODE - 686512, KANJIRAPPALLY KARA, KANJIRAPPALLY VILLAGE FROM MANNOOSSERIL HOUSE, PULIYANNOOR KARA, PULIYANNOOR VILLAGE 3 GOPALAN S/O.KESAVAN, HINDU, AGED 55, MANNOOSSERIL HOUSE, PULIYANNOOR KARA, PULIYANNOR P.O, PIN CODE -

686573, PULIYANNOR VILLAGE 4 SUKUMARAN S/O.KESAVAN, HINDU, AGED 52, MANNOOSSERIL HOUSE, PULIYANNOOR KARA, PULIYANNOR P.O., PIN - 686 573. 5 SANKARAN S/O.NARAYANAN, HINDU, AGED 56, PULINIKKUMKALAYIL HOUSE, KURUMULLOOR KARA, KURUMMALLOOR P.O, PIN CODE - 686636 KANAKKARI VILLAGE 6 KRISHNAN S/O. NARAYANAN, HINDU, AGED 56, PULINIKKUMKALAYIL HOUSE, KURUMMALLOOR P.O, PIN CODE - 686639, KANAKKARI VILLAGE 7 KRISHNAN S/O.GOVINDAN, HINDU, AGED 56, PULINIKKUMKALAYIL 8 UNNI S/O.GOVINDAN, HINDU, AGED 56, PULINIKKUMKALAYIL 9 SUKUMARAN S/O.GOVINDAN, HINDU, AGED 58, PULINIKKUMKALAYIL 10 THANKAN S/O.GOVINDAN, HINDU, AGED 50, PULINIKKUMKALAYIL 11 MOHANAN S/O.GOVINDAN, HINDU, AGED 48, PULINIKKUMKALAYIL

THIS FIRST APPEAL FROM ORDERS HAVING COME UP FOR ADMISSION ON 30.06.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K.Narendran, J.

The appellant filed A.S.No.52 of 2002 before the

Additional District Court, Kottayam, challenging the judgment

and decree of the Munsiff's Court, Ettumanoor in O.S.No.192 of 1987. That appeal was dismissed for default on 20.08.2010. For restoration, the appellant filed IA No.1872 of 2010, which was supported by I.A.No.1871 of 2010 for condonation of delay of 41 days. Both the applications ended in dismissal by the order dated 02.08.2011, which is under challenge in this appeal filed invoking the provisions under

Order XLIII Rule 1(c) of the Code of Civil Procedure, 1908.

2. On 18.09.2012, when this appeal came up for

admission, this Court issued urgent notice before admission to the respondents by speed post returnable within ten days. Service of notice is not complete on some of the respondents.

3. Today, when the matter is taken up for

consideration, the learned counsel for the appellant would submit that the appellant is no more and despite sending registered letter, there are no instructions from his legal heirs. In such circumstances, this appeal is dismissed as abated.
Sd/- ANIL K. NARENDRAN, JUDGE Sd/- P.G. AJITHKUMAR, JUDGE PV

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com